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BUMBO (PTY) LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WENDY D. WHITSON, individually and on behalf of all others similarly situated,)	Case No. CV07-5597 CW
)	[PROPOSED] ORDER
Plaintiffs,)	
vs.)	
BUMBO, BUMBO LIMITED, BUMBO (PTY) LTD., and TARGET CORPORATION,)	
Defendants.)	

On February 14, 2008, the Motion of Defendant, Bumbo (Pty) Ltd. to Set Aside Default, Quash Service, Dismiss for Improper Service, Lack of Personal Jurisdiction and Failure to Serve, and for Sanctions came on for hearing before this Court in the Courtroom of the Honorable Claudia Wilken.

After full consideration of the papers and pleadings on file in the action and admissible evidence, the Court finds:

1. Plaintiff, Wendy D. Whitson, has failed to effect service of process on Defendant, Bumbo (Pty) Ltd.

2. This Court lacks *in personam* jurisdiction over Bumbo (Pty) Ltd., a South African corporation with its principal and only place of business in South

1 Africa because Bumbo (Pty) Ltd. does not have the requisite minimum contacts
2 with California.

3 3. Default was entered against Bumbo (Pty) Ltd. due to the fraudulent
4 and bad faith conduct of plaintiff and her counsel of record.

5 IT IS THEREFORE ORDERED that:

6 1. The Default entered against Bumbo (Pty) Ltd. is vacated;

7 2. Service of process on "Bumbo" is quashed;

8 3. All claims against Bumbo (Pty) Ltd. are dismissed for lack of personal
9 jurisdiction; and

10 4. Wendy D. Whitson, Donald S. Edgar, Jeremy R. Fietz, and Rex Grady
11 must pay \$11,922 to Bumbo (Pty) Ltd. within 10 days of the date of this Order.

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14 Dated: _____

15 UNITED STATES DISTRICT JUDGE
16 HONORABLE CLAUDIA WILKEN
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